

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/878,815	06/11/2001		Hassan S. Hashemi	00CON159PC-CIP1	3172	
7.	590	03/26/2002				
FARJAMI &		MI LLP	EXAMINER			
16148 Sand Ca Irvine, CA 92				COSTANZO, PATRICIA M		
				ART UNIT	PAPER NUMBER	
				2811		
				DATE MAILED: 03/26/2002	•	

Please find below and/or attached an Office communication concerning this application or proceeding.

*	Application No.	plicant(s)	—— <i>-</i> /,				
Office Action Summany	09/878,815	HASHEMI ET AL.					
Office Action Summary	Examiner	Art Unit					
The MAILING DATE of this communication app	Patricia M. Costanzo	1					
The MAILING DATE of this communication app Period for Reply	ars on the COV TSF.	or mar are correspondence and 55					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status							
1) Responsive to communication(s) filed on	·						
, _	— is action is non-final	•					
3)☐ Since this application is in condition for allowa	ince except for form	al matters, prosecution as to the merits	s is				
closed in accordance with the practice under Disposition of Claims	∟x parte Quayle, 19	ან					
4) \boxtimes Claim(s) $\frac{1-71}{}$ is/are pending in the application	ın.						
4a) Of the above claim(s) is/are withdraw		on.					
5) Claim(s) is/are allowed.							
6)☐ Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) <u>1 - 71</u> are subject to restriction and/or	r election requireme	nt.					
Application Papers							
· · · · · ·	9)☐ The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the							
11) The proposed drawing correction filed on							
If approved, corrected drawings are required in reply to this Office action.							
12) The oath or declaration is objected to by the Ex	kammer.						
Priority under 35 U.S.C. §§ 119 and 120		0.0 0.440(2) (4) == (5)					
13) Acknowledgment is made of a claim for foreign	n priority under 35 L	1.5.C. 9 TT9(a)-(d) or (1).					
a) ☐ All b) ☐ Some * c) ☐ None of:		a					
1. Certified copies of the priority document							
2. Certified copies of the priority document							
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
14) ☐ Acknowledgment is made of a claim for domesti	ic priority under 35 l	J.S.C. § 119(e) (to a provisional application	ation).				
a) ☐ The translation of the foreign language provisional application has been received. 15)☑ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.							
Attachment(s)	_						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) 🔲 N	terview Summary (PTO-413) Paper No(s) otice of Informal Patent Application (PTO-152) ther:	<u>.</u> ·				
U.S. Patent and Trademark Office							

· Application/Control Number: 09/878,815

Art Unit: 2811

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1 55 are drawn to a structure, classified in class 257, subclass
 707.
- II. Claims 56 71 are drawn to a method for fabricating a structure, classified in class 438, subclass 106⁺.

The inventions of groups I and II are related as product made and process of making. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)).

In the instant case, the inventions are distinct each from the other because the structure as recited in structure Claims 1, 17, and 44 could be made by a process that is materially different from the process as recited in method Claim 56. For example, the structure of Claims 1, 17, and 20 could be made by a process that does not include the step of patterning a support pad on a top surface of said substrate instead of by the process of Claim 56, which requires the step of patterning a support pad on a top surface of said substrate. Note that a support pad is not required for the structure of Claims 1, 17, and 44. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Page 3

Application/Control Number: 09/878,815

Art Unit: 2811

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication should be directed to Patricia Costanzo at 703 305 - 5675 on Monday - Friday from 8:00 A.M. - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful Supervisory Primary Examiner Tom Thomas can be reached at 703 308- 2772.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist at 703 308 - 0956.

pmc

March 18, 20002

TOM THOMAS SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2800